

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT J. ZEIS,

Plaintiff,

v.

ORDER
05-CV-824A

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 16, 2007, Magistrate Judge Scott filed a Report and Recommendation, recommending that the decision of the Commissioner be affirmed, that the defendant's motion for judgment on the pleadings be granted and plaintiff's cross-motion for similar relief in his favor be denied. The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the

decision of the Commissioner is affirmed, the defendant' s motion for judgment on the pleadings is granted and plaintiff' s cross-motion for similar relief in his favor is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: June 18, 2007